



State of Delaware  
Department of Natural Resources and Environmental Control  
**Delaware Division of Parks and Recreation**  
89 Kings Highway  
Dover, Delaware 19901

**OPEN SPACE COUNCIL**  
**September 21, 2011, 9:00 a.m.**  
**Legislative Hall**  
**Senate Hearing Room, Second Floor**  
**Dover, Delaware**

**ATTENDANCE**

Council Members:

John R. Schroeder, Chairperson  
Paul Boswell  
Lorraine Fleming  
Gerald Brady, State Representative

Ex-Officio:

Charles A. Salkin, Parks & Recreation, DNREC  
Ed Kee, Secretary, DDA

Guests:

David Ames

Staff:

Matthew Chessier, Parks & Recreation, DNREC  
Henry Poole, Forestry, DDA  
David Saveikis, Fish & Wildlife, DNREC  
David Small, Office of the Secretary, DNREC  
Austin Short, DDA  
Elena Stewart, Parks & Recreation, DNREC  
Jeff Stone, Delaware Economic Development Office  
Shelley Tovell, Fish & Wildlife, DNREC  
Michael Valenti, Forestry, DDA  
Ron Vickers, Parks & Recreation, DNREC

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I Call to Order/Announcements

Mr. Schroeder, Chairperson, called the Open Space Council meeting to order at 9:14 a.m. He welcomed Council members, visitors and staff and asked for announcements.

Mr. Schroeder asked Council and staff to introduce themselves and state their affiliation.

II Minutes of Meetings



Mr. Schroeder explained that since Council did not have a quorum at the June 15, 2011 meeting minutes for March 16, 2011 meeting could not be voted on at that time. Therefore, he asked for a motion to approve the March 16, 2011 & June 15, 2011 meeting minutes. Council moved, seconded, and approved the minutes for the March 16, 2011 meeting and the June 15, 2011 meeting as read.

### III Financial Report

Mr. Vickers presented the financial report. The balance in the FY2011 Realty Transfer Tax fund is \$2,787,762.63. Realty Transfer Tax funding for the Open Space Program for FY 2012 is \$9,000,000.00, available December 15, 2011. There are five previously approved projects totaling \$2,440,000.00 - Thomas conservation easement; Wright acquisition; Forest Legacy projects; Yardley Dale acquisition; Manwaring acquisition. This leaves a remaining balance of \$347,762.63 until December 15, 2011.

There was one settlement since the June meeting - Windsor property - 17-acres at the James Branch, Sussex County.

### IV. Agency & Public Presentations

Mr. Schroeder asked for comments or presentations from guests and staff.

Mr. Salkin apologized, on behalf of Secretary O'Mara, for his absence. The Secretary planned to attend the meeting today but delayed in his travels from California with Governor Markell. He noted that Secretary O'Mara intended to present a PowerPoint presentation on a new Delaware Bayshore Initiative. This initiative would analyze a variety of issues such as acquisition, eco-tourism, recreational development, ecological restoration, and management issues.

Mr. Salkin also noted that the Secretary is working with staff and external partners to determine what areas should be priority acquisition areas. Currently, two areas are considered high priority:

- Nanticoke River watershed – primarily because there is still an opportunity for preservation and restoration and on a national - level there are many initiatives related to the Chesapeake Bay Watershed, of which the Nanticoke is part. With the federal efforts, there may be opportunities to leverage resources.
- Delaware Bayshore – the Delaware Bayshore Initiative - will discuss ideas in more detail. One major point is that the State is fortunate to work with the legacy established by Governor Peterson 40 years ago through the Coastal Zone Act. There are still a few critical gaps in the protection effort in this area and with opportunities for restoration and recreation.

Mr. Salkin noted that until the past few years the Open Space Program was responding to development pressures all over the state. With the slow-down in the economy and full funding for the program, the opportunity to address key preservation areas is present.

Mr. Schroeder asked whether DNREC was working in concert with other state agencies.

Mr. Salkin said the Department was working with other agencies and that the Delaware Bayshore Initiative was also discussed with conservation partners in the private sector.

Mr. Vickers said Secretary O'Mara asked for a new property ranking system. The current process was devised in 1991. Today, we have much more information and better ways of integrating it, such as using a Geographic Information System (GIS). Staff will incorporate natural resources, water quality, recreation, and other issues into this new ranking system. This is in anticipation of working on the Bayshore initiative and also identifying new priority areas for protection. The new ranking system will help allocate funds in a strategic manner.

Mr. Schroeder applauded the new ranking process and looked forward to more information at the December meeting.

Mr. Vickers provided the Council with a copy of the FY2012 Bond Bill Section 91 related to the University of Delaware campus at Lewes. Several meetings ago, Council and others discussed DNREC's involvement with the University regarding the disposition of open space lands purchased from the University in 2002. Section 91 limits any potential exchange to a small portion of the property associated with the University's wind turbine. It also provides a process for discussion with specific government officials and requires any proposal to come before the Open Space Council for discussion prior to its finalization.

Mr. Salkin talked to Rick Armitage from the University's Government Relations Office about meeting to discuss what to do next. Will keep Council informed on any action.

Mr. Schroeder asked if there was any movement on the new road connector through this area. Mr. Salkin said that would be part of the discussion with the University.

Mr. Kee, Secretary of Department of Agriculture, discussed the preliminary effort related to protection of property around the Thousand Acre Marsh area in New Castle County, just below the C & D Canal near Port Penn. Limited discussions with area landowners, New Castle County and private foundations have taken place. The Council was in general agreement that this was a good project to pursue.

V. Executive Session - Discussion of Site Acquisition Contracts

The Council adjourned to Executive Session at 10:08 a.m. to discuss site acquisition contracts. The Council returned to Open Session at 10:58 a.m.

VI. Project Recommendations

Based on discussion in Executive Session, the Council recommended the following:

- A. Sheats Properties - two parcels totaling 22 acres located between the Wright Tract and Meadows Tract at Blackbird State Forest, New Castle County. It was moved, seconded and agreed to recommend to the Secretary to purchase the property for up to \$220,000.00. Mr. Boswell recused himself.
- B. Woodlawn Trustees Property – 13.77-acre inholding at Brandywine Creek State Park, New Castle County. Federal Land and Water Conservation Funds would be used for acquisition and Open Space funds may be used for related costs. It was moved, seconded, and agreed to recommend to the Secretary to move forward with the purchase of the property.

- C. Harmon Property – 100 acre donation of land next to Cedar Swamp Wildlife Area, New Castle County. It was moved, seconded, and agreed to recommend to the Secretary to accept this donation with a letter of acknowledgement and thanks from the Open Space Council.
- D. Delaware Nature Society Property – two parcels totaling 12 acres along Red Clay Creek, New Castle County. Federal Land and Water Conservation Funds would be used for acquisition and Open Space funds may be used for related costs. It was moved, seconded, and agreed to recommend to the Secretary to move forward with the purchase of the property. Mrs. Fleming recused herself.
- E. CCS Investors Property – 2.9 acres at Red Clay Creek, New Castle County. It was moved, seconded, and agreed to recommend to the Secretary to use up to \$350,000.00 of Open Space funds to purchase the property, subject to the availability of funds, and subject to a qualified appraisal.

Mr. Schroeder asked that Council members, when they receive notification for the next Council meeting to please acknowledge to staff whether they can or cannot attend.

Representative Brady apologized for not attending all meetings since sometimes he has conflicts with other commitments.

VII. Next Meeting and Adjournment

The next Council meeting is scheduled for December 7, 2011 at Legislative Hall, Second Floor Senate Hearing Room, Dover, DE at 9:00 a.m.

Mr. Schroeder asked for a motion to adjourn. The meeting adjourned at 11:08 a.m.